

REMARKS

Claims 8-20 were examined in the Office Action mailed October 8, 2008.

The following rejections are currently pending:

- Objection to the Abstract for use of the phrase "The invention relates to."
- Objection to the Information Disclosure Statement filed January 9, 2006 on the grounds that the cited foreign references were not supplied by the Applicants, and were not received from the International Searching Authority. A further objection is entered regarding references cited in the Specification, but not listed in an IDS (*i.e.*, German Patent Publication No. DE 100 17 794 A1).
- Claims 9 stands objected to for lack of antecedent basis for the word "it."
- Claims 8-20 stand rejected under 35 U.S.C. § 103(a) as unpatentable over EP Patent Publication No. 1 052 562 A2 ("Collignon" (identified in the Office Action by the inventor's first name, Pascal)).

1. The Abstract Was Amended In The Preliminary Amendment.

The Applicants respectfully note that the objected-to portion of the original Abstract was already addressed in the revised Abstract submitted with the January 9, 2006 Preliminary Amendment. Accordingly, withdrawal of the pending objection to the Abstract is respectfully requested.

2. The Information Disclosure Statement. Rather than attempting to address the delivery of the cited references from the International Search Authority, the Applicants are submitting herewith an IDS listing the documents identified in the January 9, 2006 IDS and the DE 100 17 794 A1 document, and providing the appropriate copies and/or English translations where available. Consideration of these references is respectfully requested.

3. Claim 9 Has Been Amended. The Applicants have amended claim 9 to eliminate the word "it." Withdrawal of the objection is respectfully requested.

4. The Claims Are Patentable Over Collignon Under § 103(a). The Applicants respectfully traverse the rejection of under § 103(a) of claims 8-20 as unpatentable over the Pascal reference, on the ground that this reference does not disclose or suggest all of the features of the present invention recited in independent claim 8 and its dependent claims 9-20.

The Present Invention. In the invention recited in claim 8, a metal shell for a pedal bearing block which provides substantial strength in relatively small dimensions, while a plastic section which is attached to the metal plate provides a reinforced foundation for receiving a control pedal for the vehicle. Because the latter section is formed of plastic, its large dimensions do not unduly increase the weight of the pedal bearing block.

The Collignon Reference. The Collignon reference is cited as teaching all of the features of the present invention, and in particular a passage in Collignon is identified as teaching the presently claimed metal and plastic construction. October 8, 2008 Office Action at 4 (noting that Collignon states “It may alternatively be a hybrid construction, for example, a combination of metal and plastic.”) In fact, Collignon teaches *away* from the present invention, teaching the use of a *resilient* material between the vehicle firewall and its pedal block.

The Applicants respectfully draw the Examiner’s attention to the fact that the cited quote is taken out of context, as the reference to hybrid use of metal and plastic refers *solely* to the use of these materials *in Collignon’s pedal-receiving element 2* – the portion corresponding to present claim 8’s shell reinforcing element (required in the pending claims to be plastic):

With reference to Figures 1 and 2, a *first part of the pedal support 2* is moulded typically from plastic. *It [i.e., the pedal-receiving portion, not the entire pedal block] may alternatively be a hybrid construction, for example, a combination of metal and plastic.*

Collignon ¶ [0005] (emphasis added).

This reference in ¶ [0012] then describes its part corresponding to the presently claimed *metal* basic body shell, as a resilient part which acts as a damper, insulating the pedal support from the engine compartment on the other side of the firewall:

With reference to Figure 3, a second part 20 [corresponding to the claimed metal shell] of the pedal support is formed from a high density material *such as rubber or plastic* preferably including an additional material to increase its density such as barite (BaSO₂). Preferably the increased density region is located as a layer which is immediately adjacent to the first part 2 (i.e., separated from the bulkhead by a low density layer). *This produces a mass-spring damper arrangement.*

Collignon ¶ [0012] (emphasis added); *see also* ¶ [0013] (“The high density of the second part 20 aids the acoustic isolation characteristics of the pedal support.”).

Thus, the Collignon reference does not teach the claimed metal shell which provides high strength in a small component coupled with a plastic pedal receiving section, but instead teaches the use of a resilient rubber or plastic sheet to seal off the engine compartment and lower transmitted noise levels. Accordingly, because Collignon does not teach or suggest the claimed pedal bearing block, including at least claim 8’s feature “wherein the shell consists of metal and the reinforcing element consists of plastic, and the bearing point is formed by the reinforcing element and the shell,” independent claim 8 and its

dependent claims 9-20 are patentable over this reference under § 103(a). The Applicants therefore respectfully request the pending § 103(a) rejection be reconsidered and withdrawn.

CONCLUSION

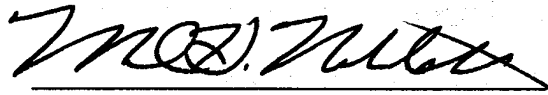
In view of the foregoing amendments and remarks, the Applicants submit that claims 8-20 are in condition for allowance. Early and favorable consideration, and issuance of a Notice of Allowance for these claims is respectfully requested.

If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket #095309.57252US).

Respectfully submitted,

December 8, 2008



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